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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Special Committee decision of 22 June 2001 concerning Puerto Rico

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* The report is being submitted on 6 May 2002 to allow for the inclusion of up-to-date information provided by Puerto Rican organizations.

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I. Introduction

1. At its 6th meeting, on 21 June 2001, the Special Committee adopted resolution A/AC.109/2001/22 on the question of the Special Committee decision of 12 July 2000 concerning Puerto Rico. In paragraph 9 of the resolution, the Special Committee requested the Rapporteur to submit a report to the Special Committee on the implementation of the resolution. The present report was prepared by the Rapporteur of the Special Committee in response to that request. It considers the question of Puerto Rico in the light of previous reports prepared by the Rapporteur, recent political developments in Puerto Rico, action taken by United Nations bodies on the question and the views of the parties concerned.

II. Information on Puerto Rico

A. General background

2. Puerto Rico is the most easterly and smallest island of the Greater Antilles in the Caribbean Sea. It has an area of 8,637.7 square kilometres, including the small nearby islands of Vieques, Culebra and Mona. More than three fourths of Puerto Rico is mountainous and the range that runs its length reaches an elevation of 1,219 metres at its highest point.

3. The population, which numbered approximately 150,000 at the beginning of the nineteenth century, increased to more than 2 million during the first half of the twentieth century. According to the 2000 census, the population totals 3.81 million. In addition, there are reportedly some 3.4 million Puerto Ricans residing on the mainland of the United States of America.[1] The 2000 census calculated the population of San Juan, Puerto Rico's capital, to be 434,000, showing an increase of some 4,000 inhabitants in the past 10 years.

4. Puerto Rico was a colony of Spain from 1508 until 1898. Under the Treaty of Paris of 10 December 1898, marking the end of the Spanish-American war, the island was ceded to the United States, which established a military protectorate on the island between 1898 and 1900. In 1900, the United States Congress passed the Foraker Act, replacing the military Government with a civilian one that included a popularly elected legislature. The Governor and the members of the Executive Council, however, were appointed by Washington, D.C., and retained broad powers over the legislature.

5. Self-government was strengthened by the Organic Act (the "Jones Act") of 1917, which added a bill of rights and a popularly elected senate to the governmental machinery established under the Foraker Act. The Governor remained a Washington, D.C., appointee, however, and continued to hold veto power over legislation. The Act also conferred United States citizenship on all Puerto Ricans, although the measure was opposed by the Cámara de Delegados, the popularly elected legislative body.

6. In 1948, during an extraordinary session of the Legislative Assembly, three laws designed to punish acts against the Government of Puerto Rico were passed. One of the laws was signed by the Governor and became Law 53, also known as the "Ley de la Mordaza", or the "Gag Law". According to that legislation, it became a felony to advocate the forceful destruction or overthrow of the island's Government. The law considered as felonious the printing or publishing of certain materials, as well as the organization of groups or assemblies dedicated to overthrowing the Government.[2]

7. Also in 1948, following enactment by the United States Congress of Public Law 362, the first popular gubernatorial elections were held, ending the succession of Washington, D.C.-appointed governors. In 1950, the United States Congress adopted Public Law 600, which provided for the organization of a constitutional government by the people of Puerto Rico. A referendum on the question was held, and on 4 June 1951, the law was approved by 76.5 per cent of the Puerto Ricans who voted. A constitutional convention was convened in September 1951 and a draft constitution subsequently prepared and submitted to the people of Puerto Rico on 3 March 1952. It was approved by 81 per cent in a referendum in which 59 per cent of eligible voters participated. The draft was sent to the United States Congress for approval and was adopted on 25 July 1952, via Public Law 447, on the condition that specific changes be made to the Bill of Rights.[3] The changes were made despite some objections that the constitution could not be unilaterally modified by the United States Congress. The popular referendum and congressional ratification created the "Commonwealth" of Puerto Rico, a loose translation of the Spanish term, "Estado Libre

Asociado de Puerto Rico", provided in the Constitution.

8. The Constitution of the Commonwealth of Puerto Rico is described in detail in paragraphs 91 to 119 of the Rapporteur's report dated 26 August 1974 (A/AC.109/L.976). In brief, the Government consists of: (a) a Governor elected for four years at each general election; (b) a Legislative Assembly comprising two houses; a Senate (27 members) and a House of Representatives (51 members, who are elected by direct vote of the adult population at each general election); and (c) a Supreme Court and lower courts. Puerto Rico is represented in the Government of the United States by a Resident Commissioner, who is a non-voting member of the United States House of Representatives, but a voting member of the committees on which he or she sits. Although it has its own courts, the Puerto Rican legal system is integrated into the United States federal judicial system via the First Circuit Court of Appeals and federal law prevails over local law.

9. Even with the passage of Public Law 600 and the establishment of a constitutional government for Puerto Rico, all laws concerning the Territory's relations with the United States continued to remain in force. These provisions constituted the Federal Relations Act, which is described in detail in the Rapporteur's 1974 report (see A/AC.109/L.976, paras. 120-132) and under which Act Puerto Rico was brought within the trade, tariff and monetary systems of the United States. Furthermore, the United States undertook responsibility for the defence of Puerto Rico.

10. In 1958, a bill was enacted by Puerto Rico's Legislative Assembly requesting changes in the Federal Relations Act. The following year, only seven years after the ratification of the Constitution, three bills requesting changes in the political status of the Territory were submitted to the United States Congress, but no action was taken on any of them. Further, in 1967, a plebiscite was held, offering inhabitants the choice between independence, becoming a part of the United States, or maintaining the Commonwealth status. The latter option was upheld by 60.41 per cent of voters. The efforts to change and/or clarify the status of Puerto Rico vis-à-vis the United States are described in greater detail in previous reports by the Rapporteur (see, for example, A/AC.109/L.976). For references to subsequent political developments pertinent to the question of Puerto Rico's relationship to the United States, see paragraphs 21 to 26 below.

B. Economic development

11. Puerto Rico has an industrialized economy with particular characteristics derived from its island geography and close institutional links to the United States. The manufacturing sector, which includes operations in pharmaceuticals, electronics, and scientific and precision instruments, accounts for more than 40 per cent of the gross domestic product (GDP). Industrialization was encouraged by the Industrial Incentive Act of 1954, which granted concessions to North American companies that located plants on the island. In addition, section 936 of the United States Federal Tax Code provided generous tax incentives to such companies, including the right to tax-free repatriation of profits. Throughout the years, these policies helped to make Puerto Rico an "offshore manufacturing outpost"[4] of the United States, transforming the economy from a sugar-dominated Caribbean plantation economy to a modern industrialized one. However, in 1996, a budget-conscious United States Congress adopted legislation that would begin phasing out these tax incentives as part of its budget reconciliation and abolish them entirely by 2007. Thus, a major challenge for Puerto Rico's economic policy over the past several years has been to prepare the economy for the effects of the phase-out of Section 936 tax exemptions by reducing the island's dependence on manufacturing and promoting the development of the high-technology and tourism sectors in particular.

12. Puerto Rico's per capita GDP is reported to be $10,000, whereas the per capita GDP in the United States is reported to be $36,200.[5] With regard to the primary macroeconomic measures, analysts expect the Puerto Rican economy to continue to slow. The island's economy grew at only 2.8 per cent in 2000. It is estimated that economic growth fell to 1.1 per cent during the 2000-2001 fiscal year and a recovery is not expected until the end of the 2002 calendar year. In 2002, analysts expect a 1 per cent fall in gross national product as tourism contracts, the United States market shrinks and the construction industry and investment remain depressed. Also forecast is a further decline of 3 per cent in employment, with losses concentrated in tourism, manufacturing and construction. A recovery is

expected in 2002-2003, led by an improvement in United States economic growth, although changes in consumer spending and construction would be slow. Inflation rates reached 9 per cent at the end of the 2000-2001 fiscal year. Inflation is expected to fall sharply, to around 5 per cent by the end of the 2001-2002 fiscal year as recession and falling asset prices hit.[6]

13. The measures adopted by the previous Government of Pedro Roselló to counteract the effects of the tax exemption phase-out are described in last year's paper (A/AC.109/2001/L.3, paragraphs 13-14). Upon being elected Governor in November 2000, Sila Calderón indicated that her Government would largely follow the economic strategies put in place by her predecessor. In addition, she undertook to reduce poverty in Puerto Rico by promoting rapid economic growth. To do this, she assembled a team of technocrats from the private and public sectors, but ruled out raising taxes to cover Puerto Rico's public debt and its government deficit. In March 2001, Governor Calderón proposed her first budget. Total expenditures were $20.6 billion, representing a marginal reduction from her predecessor's last budget. Meanwhile, the Territory's economy has been hit hard by the economic downturn on the United States mainland and the pull-out of major manufacturing businesses drawn to lower taxes and wages elsewhere in the Caribbean and in Central America. In this respect, it is estimated that more than 10,000 jobs have disappeared in the textile, apparel and food processing industries alone in the past four years.[7] Faced with this downturn, the Governor has focused on reviving the economy and creating new jobs. Presented to Puerto Rico's Congress in February 2002, the 2003 budget totals $21.85 billion. It includes an extensive programme of public works to improve infrastructure and create jobs, an overhaul of the health system and a flat pay raise of $100 per month for all public-sector workers. The money for this and for eradicating the $600 million fiscal deficit inherited from the previous administration is to be raised by making cuts in non-essential expenditures; clamping down on corruption and increasing consumption taxes on alcohol, tobacco and vehicles. Calderón has also launched a campaign to bring high-technology industries into a "techno-economic corridor" and to revive the tourist industry.[8]

14. Governor Calderón has also been lobbying the United States Congress to modify the tax legislation in order to bring new companies to the island. A measure submitted to the Ways and Means subcommittee of Congress and the Finance Committee of the Senate would amend Article 956 of the Internal Revenue Code to give fresh incentives to companies setting up subsidiaries in Puerto Rico as controlled foreign corporations by cutting the tax payable on profit remittances to the mainland from 35 per cent to 10 per cent. The Governor claims to have bipartisan support for this measure and has expressed the hope that it would be approved by the summer of 2002. However, there is disagreement in Washington over how much the reform would cost and its approval is not certain.[9]

III. Recent developments

A. Political developments

15. On 7 November 2000, general elections were held in Puerto Rico for the positions of Governor and delegate to the United States Congress. Members of the local Senate and Chamber of Deputies were also elected, as were candidates to fill a variety of municipal and local positions. It should be noted that, while the elections were held on the same day as the presidential election in the United States, Puerto Ricans did not have the right to vote for the President of the United States.

16. The Partido Popular Democrático (PPD) won the Puerto Rican elections, taking control of the executive branch and both houses of the legislature from the Partido Nuevo Progresista (PNP). The main political parties in Puerto Rico differentiate themselves mostly by their position on the ultimate political status of Puerto Rico, none being satisfied with the status quo. PNP favours Puerto Rico becoming a fully integrated state of the United States. PPD opposes all efforts towards statehood, but favours a "free association" with the United States, under which Puerto Rico would have greater governmental authority over its own affairs, but would remain under the sovereignty of the United States and its citizens would remain citizens of the United States.

17. By beating Carlos I. Pesquera, of PNP, by 48.6 per cent to 45.7 per cent, PPD candidate, Sila María Calderón, became the first female Governor of Puerto Rico. The incumbent Governor, Pedro Roselló of PNP, had held the post for eight years. The third candidate in

the gubernatorial race, Rubén Berrío Martínez of the Partido Independentista Puertorriqueño (PIP), obtained 5.2 per cent of the vote. This represented the best showing for a PIP candidate since 1988 (when PIP gathered 5.5 per cent in the gubernatorial race), and was significantly above the average for the past 40 years (approximately 4.2 per cent).

18. PPD also won a significant majority in the Senate, where it gained 11 seats from PNP for a total of 19 seats to the PNP's 8, with one seat remaining with PIP. Similarly, in the Chamber of Representatives, PPD gained 14 seats and PNP lost 17, with PIP retaining, 1 seat as before. (The discrepancy between the number of seats lost to those gained is explained by provisions in the Puerto Rican Constitution which increase the size of the legislature if one party gains more than two thirds of the seats, to ensure that the opposition always has at least one third of the seats.) As a result, the Chamber of Representatives had 54 seats after the election of 1996, but was reduced to 51 seats after the election of 2000, hence the difference of 3 votes in seats lost or gained.

19. Aníbal Acevedo Vilá of PPD defeated Carlos Romero Barceló, the PNP incumbent, for the position of Resident Commissioner (Puerto Rico's non-voting representative in the United States Congress). Acevedo Vilá defeated Romero Barceló 49.3 to 45.4 per cent. The PIP candidate for the position won 4.8 per cent of the votes.

20. Details of the 2000 electoral campaign and the issues which influenced its outcome (namely, voter dissatisfaction with government corruption, the 1998 non-binding political status plebiscite, privatization of government assets and the Rosselló-Clinton agreement on the future of Vieques Island) are to be found in the 2001 working paper (A/AC.109/2001/L.3, para. 22). During Governor Calderón's first year in office, the two issues that had dominated the 2000 campaign (Puerto Rico's constitutional status and United States military exercises on Vieques) became subordinate to the fight against corruption and efforts to revive the economy. Accusations of official corruption and indictments of high officials have wracked Puerto Rico over the past four years, as documented in previous reports. In the period under review, there have been additional high-profile cases such as the charges by the Federal Bureau of Investigation (FBI) against 30 police officers in August 2001 for assisting and protecting cocaine dealers, the October 2001 FBI charges of embezzlement against a PDP mayor and the January 2002 indictments against 17 former PNP government officials, including the former Education Secretary and his deputy and the President of the Chamber of Commerce, on charges ranging from theft and extortion to bribery.[10] In January 2002, Governor Calderón announced measures to stem corruption, including the investigation of all government agencies that had contracts with individuals and firms accused of fraud, and the creation of a financial ethics committee for electoral campaigns. Since then, the opposition has raised counter-charges, alleging misuse of public funds by the Governor and her party.[11]

21. The lead-up to the 2000 general elections in both the United States and Puerto Rico led to a pause in active efforts to resolve the final political status of Puerto Rico. In June 2000, however, an effort was made by President Bill Clinton to create a mechanism for a formal dialogue with Puerto Rico about its future political status (see para. 47). This initiative was proposed following a meeting at the White House between the President, Puerto Rican political leaders and members of the United States Congress. It was the first time that such a meeting had been held. A working group was consequently established in December 2000 and was requested to submit recommendations on political status options by May 2001. The main concern of the President was to clarify the status options whereby the island could obtain a government that was, in the words of a White House spokesman, "fully democratic".[12] At that meeting, Calderón, then the PPD leader and candidate for Governor, told President Clinton that, given the upcoming elections, it was not the appropriate moment for such a process. She noted that she had proposed the creation of a Unity and Consensus Status Commission ("Comisión de Unidad y Consenso Puertorriqueño"), comprising representatives of the three main parties, two jurists of renown and three private citizens not affiliated to any of the parties, to define the process of determining a future political status. She stated her belief that initiatives with regard to political status should emanate from Puerto Rico, rather than from Washington, D.C.[13] After Calderón was sworn in, she reiterated that position. The new PNP President, Leo Diaz, said that his party would only participate in a process to solve the status issue if and when the invitation came from either the White House or the United States Congress. At the same time, some pro-independence groups requested separate representation in a future commission, arguing that

they would not be fairly represented by PIP.[14] In the meantime, in April 2001, President George W. Bush announced that the working group established by the Clinton administration would remain in place, but he extended the deadline for its recommendations from May to August 2001. In July 2001, Governor Calderón reiterated her firm support of the Commonwealth status, but added that she would soon be convening the presidents of the (pro-statehood) PNP and the (pro-independence) PIP, as well as other relevant sectors, to reflect on the political future of the island.[15] In the aftermath of the events of 11 September 2001 on the United States mainland, the issue of Puerto Rico's political status receded into the background. In February 2002, during her annual address to Puerto Rico's Congress, the Governor once again referred to a forum to discuss political status: "Hace 50 años, Puerto Rico emprendió un camino histórico utilizando el Estado Libre Asociado como instrumento de desarrollo político, económico y social. He manifestado mi apertura para que en una unión de consenso miremos nuevamente nuestra determinación sobre el status político del país. Próximamente retomaremos este tema, de importancia trascendental para nuestro futuro."[16] It is expected that the Commission will be established in July 2002, to coincide with the fiftieth anniversary of Puerto Rico's commonwealth status.

22. Apart from general political questions, three specific issues have been raised before the Special Committee as resulting from the particular political status of Puerto Rico and its insufficiently democratic relationship with the United States. These are (a) the continuing United States military presence in Puerto Rico, and particularly on the island of Vieques; (b) the imprisonment in the United States of pro-independence Puerto Ricans accused of seditious conspiracy and weapons possession; and (c) the application of the death penalty to Puerto Ricans convicted on federal charges.

23. As in previous papers, the issue of the United States military presence on Vieques will be dealt with, under the section dealing with military developments (see paras. 27-36 below).

24. As reported in the previous working paper, the issue of 178 Puerto Ricans sentenced to long jail terms for carrying out political acts was partly addressed in August 1999, when President Bill Clinton offered to conditionally release the prisoners if they formally renounced the use of violence. Eleven of the fifteen prisoners accepted the offer, and a twelfth accepted a bargain by which he would be set free in five years. Of the five remaining Puerto Ricans currently incarcerated for pro-independence activities, two declined Clinton's conditional release offer, one was not offered conditional release, one was not included in the release petition at her request, and one had not yet been arrested at the time the petition was submitted. Supporters of those who were released, however, have noted that the conditions include tight controls over the actions and statements of the ex-prisoners, which effectively prevent them from continuing to advocate independence for Puerto Rico. On 10 September 2001, a Petition for the early Termination of Supervision was submitted on behalf of the nine former prisoners still subject to parole conditions. The petition has yet to be ruled on. In the aftermath of the events of 11 September 2001 and under new rules implemented by the United States Attorney-General, two of the remaining prisoners were placed in punitive segregation, even though it is reported that there was no reason to believe that they had any connection to those events. Carlos Alberto Torres, who by September 2001 had served 21 years with exemplary conduct, was held in segregation for a month; Antonio Camacho Negrón, who had served 13 years with exemplary conduct, was held for three weeks.[17]

25. The issue of application of the death penalty to Puerto Ricans convicted of crimes was described in paragraph 23 of the 2000 working paper (A/AC.109/2000/L.3), as were recent cases in which the death penalty was sought against Puerto Ricans. In the cases of Héctor Oscar Acosta Martínez and Joel Rivera Alejandro in July 2000, United States District Court Judge Salvador Casellas ruled that the death penalty for federal crimes did not apply in Puerto Rico because its people had no vote in federal elections. In his ruling, Judge Casellas wrote: "It shocks the conscience to impose the ultimate penalty, death, upon American citizens who are denied the right to participate directly or indirectly in the government that enacts and authorizes the imposition of such punishment."[18] The American Civil Liberties Union strongly supported that decision and noted that it was the first time a United States District Judge had used Puerto Rico's political status to reject the federal Government's attempt to apply the death penalty there.[19] The question of execution without representation is particularly contentious, given increasing concerns about racial discrimination in the

application of the death penalty in the United States, and some recent reports that suggest that a number of innocent people are on death row as a result of hasty trials and incompetent legal counsel. Despite the fact that the death penalty is prohibited in Puerto Rico, the United States Justice Department has sought the death penalty for 15 Puerto Rican defendants since 1992, resulting in one of the highest death penalty rates per capita of any state or Territory within the United States.

26. The United States Department of Justice filed a 57-page document in the First United States Circuit Court of Appeals rebutting the arguments of Judge Casellas. The Justice Department said that the death penalty was applicable to federal crimes committed in Puerto Rico under the established precedent that local government cannot circumvent federal laws.[20] Some observers feel that the question will eventually have to be resolved by the United States Supreme Court.[21]

B. Military developments

27. As has been reported in previous working papers on Puerto Rico (see most recently A/AC.109/1999/L.13, paras. 18-22, A/AC.109/2000/L.3, paras. 24-30, and A/AC.109/2001/L.3, paras. 29-38), the presence of United States defence forces on the island is considered to be of major importance to the operations of the United States military and also has a significant impact on issues regarding the economic and political self-determination of Puerto Rico. In the past few years, these two priorities have collided, in particular, following a fatal accident on the Puerto Rican island of Vieques, where United States armed forces practise live-fire coordinated manoeuvres. In April 1999, one Puerto Rican was killed and three others injured when a bomb was dropped on the wrong target in a botched training exercise. The accident resulted in mass protests on the island, causing the United States to suspend its bombing exercises subject to the findings of a special review panel. In January 2000, Puerto Rican Governor Roselló and United States President Clinton agreed to a solution according to which the Navy would be allowed to resume training at Vieques, but would not be allowed to use live ammunition and training would be limited to 90 days of the year. In exchange, a referendum would be held in November 2001 to allow the people of Vieques to decide whether the military should leave forever, or whether it should remain under specific conditions that would include $50 million for infrastructure and other development. If the Navy was allowed to stay, it would be able to resume using live ammunition. In the meantime, the Navy pledged to provide $40 million in economic aid, regardless of the outcome of the referendum.

28. Notwithstanding the above, protesters and residents of Vieques who wanted the exercises to cease immediately began a campaign of civil disobedience, setting up camps inside the target area to prevent any further bombing. Among the protesters was Rubén Berrios Martínez, the leader of PIP, who resigned his Senate seat in order to lead the protest and who subsequently spent 11 months inside the target area. Throughout 2000 and 2001, the protests on Vieques continued. It is estimated that over 900 people were arrested between May 2000 and May 2001 in their bid to prevent further bombing on the island. Details of the military exercises conducted up until May 2001, and the related civil disobedience campaigns, arrests and lawsuits are to be found in A/AC.109/2001/L.3, paras. 31-37.

29. The protests around Vieques became an issue in the gubernatorial campaigns. Opposition candidate Sila Calderón opposed any further bombing and condemned Governor Roselló's agreement with President Clinton that allowed bombing to continue at least until 2003. On 2 January 2001, Calderón took office as Governor of Puerto Rico. She demanded the immediate cessation of military exercises on Vieques and refused to support the Clinton-Roselló agreement, saying that it was "not in accord with the general consensus in Puerto Rico" and that "sixty years of a menace to the health and security of our countrymen [was] unacceptable for any civilized and peaceful society".[22] In late January 2001, as part of a flurry of executive orders prior to leaving office, President Clinton ordered the Department of Defense to examine a new study which indicated a high incidence of heart disease among residents of Vieques, and requested the Navy to begin searching for an alternate site for its training.[23] This action effectively postponed any further bombing exercises until March, by which time President Clinton's successor, George W. Bush, would be in office.[24]

30. President Bush stated that he would abide by the Clinton-Roselló agreement, and accordingly scheduled training exercises for March.[25] After a meeting between Governor Calderón and United States Defense Secretary Donald Rumsfeld in late February, however, the Department of Defense agreed not to conduct the

exercises until the results of the examination of the health study mentioned above were revealed. It was further agreed that United States military vessels would conduct training operations in the waters off Vieques, but would not launch any troop landings or use inert bombs or shells on the island.[26] On 17 April 2001, the Pentagon notified the Government of Puerto Rico that on 27 April the USS Enterprise battle group would conduct a one-week training exercise on Vieques in accordance with the Clinton-Roselló agreement. On 23 April, Puerto Rico adopted a law that set strict noise limits over beaches and surrounding waters. The following day, Puerto Rico filed a federal lawsuit to prevent the exercises from occurring, on the grounds that they would violate the new law as well as the 1972 federal Noise Control Act. On 26 April, a federal judge in Washington, D.C. refused to block the exercises on the grounds that, according to United States law, a finding of "irreparable harm" is necessary to justify an injunction. The judge ruled that the four- to seven-day bombing would not cause irreparable harm. The judge also found, however, that the Navy had made "an implied promise" not to resume bombing until completion of the health studies, which it was effectively breaking by proceeding with the bombing. She encouraged the Pentagon to intensify its discussions with the Government of Puerto Rico with a view to resolving the question.[27] On 27 April, bombing exercises began for the first time since August 2000. By the time the exercises ended on 1 May, nearly 250 people had been arrested for protesting the exercises by placing themselves in the line of fire. Among those arrested were the head of PIP, Rubén Berríos, PNP Senator and former Secretary of State to Governor Roselló, Norma Burgos, and United States Representative Luis Gutierrez of Chicago. Later in May 2001, the Reverend Al Sharpton and three politicians from New York (Bronx Democratic leader Roberto Ramirez, Assemblyman Jose Rivera and City Councilman Adolfo Carrion) were sentenced to terms ranging from 40 to 90 days for trespassing on restricted Vieques land and transferred to a Brooklyn, New York prison. Governor Calderón held a joint press conference with New York Governor George Pataki in which she described the sentences as "excessive".[28]

31. On 12 June 2001, Puerto Rico's legislature approved the holding of a referendum on Vieques which would include a third option regarding the United States Navy presence on the island, namely, an option which would allow the residents of Vieques to vote for the immediate and permanent cessation of the bombing exercises and the withdrawal of the Navy. The measure was approved by the Governor's PDP Party and the Puerto Rican Independence Party. The pro-statehood PNP voted against it.[29] Two days later, President George W. Bush stated, while attending a United States-European Union summit in Europe, that the use of Vieques Island for bombing practices must stop. The media quoted the President as saying that the Navy ought to conduct its exercises somewhere else given that there had been some harm done to people in the past and that "these are our friends and neighbours and they don't want us there".[30] The White House decision raised a storm of protests among Republicans in the United States Congress, who warned that the loss of Vieques would hurt the military's combat readiness and encourage challenges to other bases.[31] After a hearing before the House Armed Services Committee on 27 June 2001, the Committee Chairman stated that it was highly improbable that the Navy would be able to find a suitable alternative to Vieques before its proposed departure date of May 2003. Leaving before finding such an alternative would damage United States military readiness and increase the risk to American sailors and Marines. The Chairman favoured cancelling the November 2001 referendum because "national security policy should not be determined by a local referendum".[32]

32. On 29 July 2001, a non-binding referendum was held on Vieques. Opponents of the Navy presence obtained 68 per cent of the vote, 30 per cent voted for the Navy to stay indefinitely and 1.7 per cent favoured the Navy staying only until 2003. Governor Calderón stated that the people of Vieques had made their decision and spoken clearly and announced that she would send the results to the White House and to Congress.[33] The response of the White House was to reiterate that the Navy would withdraw from Vieques, as scheduled, in May 2003 and would continue training with dummy bombs until then.[34]

33. In August 2001, in preparation for the legally binding November 2001 referendum (originally set down in the Clinton-Roselló agreement), the United States Navy Secretary wrote to Governor Calderón, informing her about the wording to be placed on the ballot. Accordingly, the option of the Navy remaining on Vieques on the ballot would specifically state that live ammunition "would not be used on more than 36 of the possible 90 days of training each year". The

Governor responded publicly that the choice of wording was "academic" because the people of Vieques had already voiced their opinion in the 29 July referendum.[35]

34. In the aftermath of the 11 September 2001 bombings against the World Trade Center and the Pentagon, the authorities of Puerto Rico expressed their deepest solidarity and offered support in the rescue efforts. The Governor announced that she would not press the United States Government on the Vieques issue in a time of emergency and protesters in Vieques called a moratorium on civil disobedience activities. Accordingly, the Navy resumed several weeks of training with dummy shells on 24 September and, aside from several protest marches, there was no movement to interrupt the exercises.[36] In the meantime, however, the Puerto Rican Bar Association and other organizations went ahead with presenting a report by an international committee before a federal court detailing human rights violations experienced by demonstrators during protests against Navy exercises.[37]

35. Regarding the scheduled 6 November referendum, there was confusion in legal terms when a local Superior Court Judge ruled that the vote was unconstitutional owing to inconsistencies between local and federal law, after which on 17 October, Puerto Rico's Supreme Court ordered election officials to start preparations for the referendum.[38] The matter became temporarily moot when the United States Secretary of the Navy wrote to Governor Calderón, informing her that the planned referendum would be postponed until 25 January 2002. In a press communiqué, the Governor lamented that the decision to postpone had been taken unilaterally and expressed concern that, whereas the Navy Secretary continued to speak of May 2003 as the Navy's definitive departure date from Vieques, the House Armed Services Committee had left the issue open-ended. The communiqué concluded as follows: "Mi gobierno continuará sus esfuerzos por lograr que el compromiso público hecho por el President Bush de que los ejercicios militares en Vieques cesen a más tardar en mayo de 2003, se vierta en una legislación federal que requiera a la Marina cumplir con el mismo".[39]

36. In November 2001, the United States Navy Chief of Operations asked the Navy Secretary to authorize January 2002 manoeuvres on Vieques with live ammunition by a combat group which would then move on to the military campaign in Afghanistan. Governor Calderón reacted to this by stating that, while Puerto Ricans supported the United States war effort, "many residents of Vieques would consider the use of live ammunition on their island as a violation of presidential instructions".[40] On 11 December 2001, the Mayor of Vieques was freed after spending four months in a San Juan jail for civil disobedience. He stated that acts of civil disobedience would continue on the island because they were the only means of ensuring an end to the bombing. A day later, the House and Senate armed services committees decided to cancel the scheduled January 2002 referendum on Vieques as part of a cost-cutting bill aimed primarily at closing domestic bases to increase spending on anti-terrorism measures and the missile-defence programme. However, the bill did not mandate a deadline for the cessation of military training on Vieques.[41] On the legal front, Puerto Rico suffered a setback in January 2002 when a federal judge, citing lack of jurisdiction, dismissed the lawsuit that sought to halt the bombings on Vieques because of local and federal noise limit laws (see para. 30 above). Puerto Rican officials announced that they would appeal the ruling.[42] On 8 January 2002, representatives of Puerto Rican political parties and civic groups expressed satisfaction when it was confirmed that the United States Navy had decided to cancel the scheduled manoeuvres with live ammunition and send the ships involved directly to the Persian Gulf. In the second week of January, Governor Calderón met with President Bush in Washington, D.C., and received a commitment from him that the Navy would leave Vieques by May 2003. A week later, the Mayor of Vieques also met President Bush and thanked him for this commitment.[43] Delivering her annual address to the Puerto Rican Congress on 12 February 2002, the Governor stated that the commitment to end military training on Vieques was a result of the firmness and resistance of the Puerto Rican people and she asked for continued political unity to that end. Meanwhile, protestors on Vieques reminded the media that the Governor was elected largely on promises to force the Navy to leave immediately. While they expressed hope in the President's commitment to the Governor, they stated that they were wary and would not drop their guard.[44] On 1 April, the Navy resumed military exercises on Vieques with dummy bombs. Five women from PIP set foot on Navy property and were arrested. Following the strategy of the civil disobedience campaign, they planned to refuse bail, be charged in

federal court and serve jail sentences.[45] On 6 April, protests grew and the Navy used tear gas to disperse the crowds. In response, the Puerto Rican Senate approved a resolution censoring the use of force against those who exercised their right to free expression.[46] On 11 April, several hundred people marched in Vieques in support of the Navy's permanence on the island.[47] According to media reports citing the spokesperson of the United States Navy Secretary, the alternative sites survey should be ready by May 2002. The official quoted added that the final decision on the Navy's withdrawal from Vieques would depend on the study results and the needs of the war against terrorism.[48]

IV. Previous action taken by the United Nations

A. General

37. Information on action taken by United Nations bodies with respect to Puerto Rico prior to 1974 is contained in the 1973 report of the Rapporteur (A/AC.109/L.976). Information on action taken between 1974 and 1985 is contained in the report of the Rapporteur on the implementation of the Special Committee's decision of 7 September 1976 concerning Puerto Rico (A/AC.109/L.1191 and Add.1), covering the period from 1974 to 1976; the report of the Rapporteur on the implementation of the Committee's resolution of 12 September 1978 concerning Puerto Rico (A/AC.109/L.1334 and Add.1-3), covering the period from 1977 to 1978; the report of the Rapporteur submitted in pursuance of the Committee's resolution of 20 August 1981 concerning Puerto Rico (A/AC.109/L.1436), covering the period from 1979 to 1981; and the report of the Rapporteur submitted in pursuance of the Committee's decision of 23 August 1984 concerning Puerto Rico (A/AC.109/L.1572), covering the period from 1981 to 1985. Information on action taken between 1984 and 1998 is contained in the report of the Rapporteur on the implementation of the Committee's decision of 11 August 1998 concerning Puerto Rico (A/AC.109/1999/L.13). Information on action taken in 1999 is contained in document A/AC.109/2000/L.3. Information on action taken in 2000 is contained in document A/AC.109/2001/L.3.

B. Action taken by the Special Committee

38. At its 1st and 3rd meetings, on 21 February and 18 June 2001, by adopting the suggestions relating to the organization of work put forward by the Chairman and the Acting Chairman (see A/AC.109/2001/L.2), the Special Committee decided to take up as appropriate the item entitled "Special Committee decision of 12 July 2000 concerning Puerto Rico" and to consider it at plenary meetings.

39. The Special Committee decision of 12 July 2000 concerning Puerto Rico was also discussed during the Caribbean Regional Seminar to review the political, economic and social conditions in the small island Non-Self-Governing Territories which was held at Havana from 23 to 25 May 2001.

40. At its 5th meeting, on 21 June 2001, the Chairman of the Special Committee drew attention to a number of communications received from organizations requesting to be heard on Puerto Rico by the Committee. At the same meeting, the Special Committee agreed to accede to those requests and hear representatives of the organizations concerned.

41. At the 5th meeting, statements were made by Jaime Ruberté, Colegio de Abogados de Puerto Rico; Juan Franco-Medina, on behalf of Nuevo Movimiento Independentista Puertorriqueño, Juan Mari Bras, on behalf of Causa Común Independentista (Proyecto Educativo Puertorriqueño); Wilfredo Santiago-Valiente, United Statehooders Organization of New York, Inc.; Jorge Farinacci García, Frente Socialista; María de Lourdes Santiago, on behalf of Partido Independentista Puertorriqueño; Rosa Meneses Albizu-Campos, on behalf of Partido Nacionalista de Puerto Rico; Miguel Otero Chávez, on behalf of Gran Oriente Nacional de Puerto Rico; Ismael Guadalupe, on behalf of Comité Pro Rescate y Desarrollo de Vieques; Edgardo Díaz-Díaz, on behalf of Sociedad Bolivariana de Puerto Rico; Vanessa Ramos, Asociación Americana de Juristas; José I. Adames, Al Frente; Nilda Luz Rexach, National Advancement for Puerto Rican Culture; Luis Barrios, Iglesia San Romero de Las Américas; Jose Joaquín Rivera, Estadidad 2000, Inc.; Martin Koppel, Socialist Workers' Party; Salvador Vargas Jr., Concerned Puerto Rican Americans; and Carlos M. Hernández López, Estado Libre Asociado de Puerto Rico.

42. At the 6th meeting, statements were made by Edwin Pagán, Pro Libertad; Jaime A. Medina, the Working Group on Puerto Rico; Elliot Monteverde-Torres, Center for Constitutional Rights; Héctor L. Pesquera, on behalf of Congreso Nacional Hostosiano; Rosa Escobar, Women for Peace and Justice for Vieques, Puerto Rico; Anita Velez Mitchell, Primavida; Jose Ernesto Cordero, Cultural Literary Association Hispanic American, Inc. (CLAHI); and Manuel Rivera, Puertorriqueños Unidos en Acción (see A/56/23 (Part I)).

43. At the 5th meeting, the representative of Cuba introduced draft resolution A/AC.109/2001/L.7. At the 6th meeting, statements in explanation of their position were made by the representatives of Chile, Papua New Guinea, Iraq, Venezuela and the Islamic Republic of Iran (see A/AC.109/2001/SR.6). At the same meeting, the Special Committee adopted resolution A/AC.109/2001/22 without a vote. Subsequently, the representative of Cuba made a statement (see A/AC.109/2001/SR.6).

C. Action taken by the General Assembly

44. During the fifty-sixth session of the General Assembly, no draft resolution was submitted on this issue to the Assembly for action. Introducing the report of the Special Committee at the 82nd meeting of the General Assembly, on 10 December 2001, the Acting Chairman of the Special Committee recalled that, at the end of its session, the Committee had adopted a resolution on Puerto Rico by consensus.

V. Question of political status: views of the parties concerned

45. A detailed account of developments pertinent to the question of political status prior to the period under review are contained in the following reports for the corresponding periods: A/AC.109/L.1334, paragraphs 57 to 82 (1959-1979); A/AC.109/L.1436, paragraphs 67 to 81 (1979-1982); A/AC.109/L.1572, paragraphs 73 to 120 (1982-1985); A/AC.109/1999/L.13, paragraphs 169 to 180 (1985-1998); A/AC.109/2000/L.3, paragraphs 47 to 57 (1999-2000); and A/AC.109/2001/L.3, paragraphs 57 to 65 (2000-2001).

A. United States of America

46. Since 1953, the United States has maintained a consistent position regarding the status of Puerto Rico and the competence of United Nations organs to examine that status. By resolution 748 (VIII) of 27 November 1953, the General Assembly released the United States from its obligations under Chapter XI of the Charter of the United Nations. Since then, the United States has maintained that Puerto Rico has exercised its right to self-determination, has attained a full measure of self-government, has decided freely and democratically to enter into a free association with the United States and is, therefore, as stated explicitly in resolution 748 (VIII), beyond the purview of United Nations consideration. At the fifty-first session of the General Assembly, the representative of the United States stated in the Fourth Committee that the political status of Puerto Rico had been examined at repeated plebiscites, the results of which had shown that there were few supporters of independence in Puerto Rico. The vast majority of Puerto Ricans supported the status quo, which meant that the issue had no bearing on the work of the Committee.[49]

47. On 23 December 2000, President Clinton issued a "Memorandum for the Heads of Executive Departments and Agencies" on the subject of the resolution of Puerto Rico's status. The memorandum read as follows:

> "Although Puerto Rico was acquired in connection with the Spanish-American War and United States citizenship is granted to persons born on the islands, Puerto Rico's ultimate status has not been determined. Until that issue is resolved, questions remain about how United States economic and social policies should apply to the citizens of Puerto Rico. Further, although our citizens in Puerto Rico have been granted the exercise of authority on local matters similar to that of citizens of a State, they do not have voting representation in the Federal Government.
>
> "All three of Puerto Rico's major political parties are based on different visions of what the options for a fully democratic status are, and what the best status would be. And all advocate a substantial change in the islands' status. The Commonwealth held a referendum on options for its future status in December 1998, including the current governing arrangement, and other

recognized options, but a majority of the vote was for a 'None of the Above' column.

"Much of the debate on the issue concerns what options are available to Puerto Rico, in light of the Constitution and the basic laws and policies of the United States. The elected representatives of the people of Puerto Rico have, therefore, repeatedly petitioned the Federal Government to clarify the islands' status options as well as the process by which Puerto Ricans can determine the islands' future status.

"The United States has a responsibility to answer such questions.

"Successive Presidents, and the Congress in 1998, have supported the people of Puerto Rico in determining their status preference from among options that are not incompatible with the Constitution and basic laws and policies of the United States. I have made it the policy of the executive branch to work with the leaders of the Commonwealth and the Congress to enable Puerto Ricans to choose their future status. We also have the responsibility to help Puerto Ricans obtain the necessary transitional legislation towards a new status, if chosen.

"To ensure that the Federal Government continues to address the fundamental question concerning the islands until it is resolved, by the authority vested in me as President by the Constitution and the laws of the United States of America, including Public Law 106-346, I have today issued an Executive Order establishing the President's Task Force on Puerto Rico's Status (President's Task Force) and further direct as follows:

"1. The Co-Chairs of the President's Task Force shall conduct an ongoing dialogue with the Governor and Resident Commissioner of Puerto Rico, Puerto Rico's major political parties and other groups that advocate a change in the islands' status, and the Chairs and Ranking Minority Members of the House of Representatives Committee on Resources and the Senate Committee on Energy and Natural Resources. This dialogue shall focus on the options for Puerto Rico's future status and the process by which Puerto Ricans can realize such an option. It shall seek to facilitate communications among the offices that the aforementioned officials represent on matters relating to the status of the Commonwealth, and ensure official attention to, and facilitate action on, such matters. In particular, the dialogue shall seek to clarify the options for Puerto Rico's future status and enable Puerto Ricans to choose among those options.

"2. The Co-Chairs of the President's Task Force shall monitor the expenditure of funds for public education on and a public choice among Puerto Rico's status options pursuant to Public Law 106-346. This monitoring shall include ensuring that educational materials are accurate, objective, and non-partisan and that they are consistent with the standards set forth in the Executive Order entitled 'Establishment of the President's Task Force on Puerto Rico's Status'.

"3. The heads of executive departments and agencies shall cooperate with the Co-Chairs in fulfilling the assignments provided for herein and in the accompanying Executive Order."[50]

48. In January 2001, a new United States administration acceded to power. In April 2001, President George W. Bush amended his predecessor's Executive Order on the Task Force on Puerto Rico's Status, by extending the deadline for the Task Force's recommendations from 1 May 2001 to 1 August 2001.[51] In March 2002, the Puerto Rican media reported that the White House had released the names of the interim members of the Task Force and added that the list included assistants to almost all the members of President Bush's Cabinet. According to the White House spokesperson quoted by the media, the Task Force was reviewing Puerto Rico's options and the Justice Department was providing guidance on legal and constitutional matters.[52] In February 2002, the Secretariat, on behalf of the Special Committee, addressed a letter to the Permanent Representative of the United States to the United Nations to ascertain that Government's views on the question of Puerto Rico. Ambassador John D. Negroponte responded on behalf of his Government as follows:

"In reply to your request for information on Puerto Rico, dated 5 February 2002, the Government of the United States has the honour of directing your attention to General Assembly resolution 748 (VIII), which determined the

Declaration regarding Non-Self-Governing Territories would no longer be applicable to Puerto Rico after the residents of Puerto Rico voted to accept the present governing arrangement. Puerto Rican residents have reaffirmed this decision in at least two referendums over the past decade.

"As the Declaration regarding Non-Self-Governing Territories does not apply to Puerto Rico, we respectfully request that the Committee of Twenty-Four devote its time and energy to the remaining seventeen Non-Self-Governing Territories that are awaiting de-listing."

49. Additional background information on the views and positions of the United States since 1953, including perspectives offered by officials of the legislative branch and decisions of the judicial branch of the United States Government, is reflected in the report for 1999 (A/AC.109/1999/L.13).

B. Puerto Rico

50. In March 2002, the Secretariat, on behalf of the Special Committee, addressed identical letters to several political parties in Puerto Rico, as well as to certain organizations that had previously communicated with the Special Committee on the subject, inviting them to transmit to the Rapporteur their views on developments related to Puerto Rico which have taken place since the past year's report (see the annex for a list of the organizations contacted). A similar letter was sent to the Representative of the United States to the United Nations requesting that country's views on such developments (see para. 48 above). The texts of the replies received from Puerto Rico are presented below.

51. On behalf of the Colegio de Abogados de Puerto Rico, its President, Jaime Ruberté, wrote:

"Under the terms of resolution A/AC.109/2001/22, adopted by the United Nations Special Committee on Decolonization at its 6th meeting on 21 June 2001; noting with satisfaction the decision to keep the question of Puerto Rico under continuous review; on the basis of the report of the Secretary-General (A/56/295) submitted under General Assembly resolution 55/85 of 4 December 2000, which requests the Commission on Human Rights 'to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation'; considering the innumerable resolutions and decisions, in particular the recent Special Committee decision of 12 July 2000 concerning Puerto Rico (A/AC.109/2001/22), in which the United Nations General Assembly has discussed the right of peoples to self-determination (in accordance with resolution 1514 (XV) of 14 December 1960), and the reports of the Special Rapporteurs of this and other committees on human rights and Puerto Rico, we set forth the continuous and consistent violations committed by the Government of the United States in Puerto Rico and Vieques since the middle of 2001.

"Condemnation of militarization and violations of human rights and of the laws of Puerto Rico and the United States by the Navy in Vieques and Puerto Rico has given rise to increased political persecution of the upholders of human rights in local non-governmental organizations. This has occurred in violation of the statement issued by the United Nations General Assembly on 9 December 1998: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. Examples of such persecution are the mistreatment of persons involved in civil disobedience who are detained without being granted even the minimum rights to which all persons who are detained or arrested are entitled and statistics showing the disproportionate sentences served on persons involved in civil disobedience who have entered territory designated as restricted areas by the United States Navy and arbitrarily imposed by the federal district court of the United States in Puerto Rico.

"Lawyers working on behalf of persons involved in civil disobedience have reported around 125 to 130 arrests between 26 and 29 April 2001; many of them had been physically abused and sprayed with pepper gas to extract information during detention, as they were tied up or seated or lying on the ground (statement of the Colegio de Abogados de Puerto Rico to the

International Commission, 24 September 2001, by Wilma Reverón Collazo, 'La violación de los derechos humanos de los desobedientes civiles en Vieques' (Violation of the human rights of persons involved in civil disobedience in Vieques)). They were also left out in the open for an entire night and transported without life jackets by sea for 2 to 3 hours to the Roosevelt Roads base (a trip which usually lasts around 30 minutes). Upon arrival at the base, they were searched abusively and were again left out in the open. They were later transported to the Metropolitan Detention Center in Guaynabo where they were held without a hearing until Monday, 30 April. Some of the detainees were not allowed bail, despite the fact that article II, section 1, of the Constitution of Puerto Rico guarantees that right, even for serious offences. Even after posting bail, other detainees were not released until 1 May. Detainees who could not post bail for this minor offence ('class B misdemeanour') were kept in prison until the trial. The sentences which were imposed varied, being up to 45 days for first offenders, in violation of the Eighth Amendment to the United States Constitution, which prohibits excessive bail (in these instances bail ranged from $200 to $3,000 for first offenders and upwards of $10,000 for repeat offenders, even though none of the detainees had any criminal background); and of the Fourth Amendment, which prohibits arbitrary detention, which includes detention for more than 48 hours without a hearing to determine cause (statement of Linda Backiel, 'International Investigating Commission-Re: Violation of Human and Civil Rights in the Proceedings against Persons Involved in Peaceful Civil Disobedience against further Military Exercises in Vieques, Puerto Rico', Colegio de Abogados, 24 September 2001: 'Comparison of Civil Disobedience Sentences').

"On the basis of these testimonies and statements, and on the findings presented to the People's Court, made up of a panel of experts, it was concluded that there was clear and undisputed proof of serious infringements of human rights by the federal district court, in violation of the United States Constitution, and sentencing laws ('Sentencing Reform Act', Pub. L. No. 98-473, 98 Stat. 1987 (1984), 18 USC sections 3553 (a), (a)(2), (a)(2)(B), (a)(7) and (c)); and mistreatment by United States Navy officials and federal prison authorities of those involved in acts of resistance against the Navy. The actions of United States Navy personnel had contravened human rights norms, as recognized by the international community, and had violated a number of international and regional conventions (American Declaration of the Rights and Duties of Man) which the United States has made a commitment to observe or ratified, namely: the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (articles 6, 7, 13, 14 and 16), the International Convention on the Elimination of All Forms of Racial Discrimination (preamble and articles 1, 2, 5, 6 and 15), the International Covenant on Civil and Political Rights (articles 1, 2, 3, 6, 7, 9, 10, 17, 18, 19, 24 and 26), the Universal Declaration on Civil and Political Rights (articles 1, 2, 3, 5, 7, 8, 10, 11, 13, 22, 23, 25, 26 and 28), the 1968 Proclamation of Teheran, and the 1979 Code of Conduct for Law Enforcement Officials (articles 3, 5, 6 and 8), the Basic Principles for the Treatment of Prisoners (1990) and the Standard Minimum Rules for the Treatment of Prisoners (1955). Moreover, the present case represents an instance of 'environmental racism' as discussed in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 28 August to 7 September 2001. Other violations and examples of systematic abuse perpetrated against the women of Vieques since 1941 have been reported (testimony of Mrs. Carmen Valencia to the International Commission, page 8). Although the People's Court did not mention it, the United States has also undertaken commitments under the Beijing Declaration and Platform for Action, since it adhered to the Platform for Action during the Fourth World Conference on Women in Beijing in 1995 and to the 1993 Vienna Declaration.

"The most recent appeals brought by non-governmental organizations and persons involved in civil disobedience before the First United States Court of Appeals, were four consolidated cases under: *U.S. v. Edwin Quiles Rodriguez, et al.*, No. 01-1603 (Feb. 8, 2002), and these were

also denied, thereby rendering the exhaustion of local and federal remedies in order to claim rights a futile exercise."

52. On behalf of the Veteranos Viequenses por la Paz, Emilio García Cordero wrote:

"We, the members of Veteranos Viequenses por la Paz, request that the Government of the United States of America and the United States Navy be called upon to conduct an immediate study on the health status of the people of Vieques, specifically on the high incidence of cancer, asthma, diabetes, skin and heart diseases and other diseases related to the contamination of the soil, air and water of Vieques by uranium, cadmium, mercury, lead and other heavy metals and chemicals used in military exercises on our island of Vieques.

"We also demand compensation for the children of Vieques, who are the most affected by these diseases, and their families, and also for those who have died from these diseases because of the contamination of our soil, air and water by military exercises on our island of Vieques. We demand that studies be carried out immediately and insist on the immediate restoration of our lands to its clean and decontaminated state.

"We, the members of Veteranos Viequenses por la Paz, exposed and risked our lives in the United States Army for the liberation of other peoples in Korea, Viet Nam, Kosovo, the Persian Gulf, etc. We now call upon the Government of the United States, which we have served with valour and honour, to recognize that we have as much of a right to live in peace as those peoples whom we have helped to win peace and liberty. Our only desire is to live in peace."

Notes

[1] Efe newswire, 18 October 2001.

[2] Ivonne Acosta, *La Mordaza: Puerto Rico, 1948-1957* (Rio Piedras, Ed.Edil, 1989), p. 13.

[3] The United States Congress made ratification of the Puerto Rican Constitution conditional on the elimination of section 20 of the proposed bill of rights. Section 20 recognized, inter alia, rights to social protection in the event of unemployment, sickness, old age or disability, the right to obtain work, the right to an adequate standard of living and the rights of mothers and children to special care and assistance. José Trias Monge, *Puerto Rico: The Trials of the Oldest Colony in the World* (New Haven: Yale University Press, 1997), pp. 114 and 117.

[4] EIU, Country Profile, Puerto Rico 1998-1999.

[5] CIA World Factbook, www.cia.gov.

[6] EIU, Viewswire, 31 January 2002.

[7] EIU, Viewswire, 29 March 2002.

[8] Oxford Analytica, 22 February 2002.

[9] Ibid.

[10] *Washington Post*, 15 August 2001 and *The New York Times*, 24 January 2002.

[11] *Financial Times*, 25 March 2002.

[12] *Agencia EFE*, 28 June 2000.

[13] Comunicados de Prensa, Sila María Calderón, 28 June 2000.

[14] Puerto RicoWOW News Service, 29 March 2001.

[15] www.fortaleza.gobierno.pr/comunicado, 25 July 2001.

[16] www.fortaleza.goberieno.pr/comunicado, 12 February 2002.

[17] Information from lawyer Jan Susler provided by Congreso Nacional Hostosiano, 2 May 2002.

[18] *Newsday*, 23 July 2000.

[19] *ACLU News*, 19 July 2000.

[20] *Associated Press*, 16 January 2001.

[21] *Orlando Sentinel*, 19 July 2000.

[22] *Caribbean Insight*, 12 January 2001

[23] *The New York Times*, 20 January 2001.

[24] *Associated Press*, 17 January 2001.

[25] *Financial Times*, 4 January 2001.

[26] *Reuters*, 1 March 2001.

[27] *The New York Times*, 27 April 2001.

[28] EFE, 24 and 28 May 2001.

[29] EFE, 13 June 2001.

[30] *Reuters*, 14 June 2001.

[31] AFP, 17 June 2001.

[32] *Newsday*, 28 June 2001.

[33] *The New York Times*, 29 July 2001.

[34] *Chicago Sun Times*, 31 July 2001.

[35] EFE, 15 August 2001.

[36] EFE, 24 September 2001 and EIU Viewswire, 25 October 2001.

[37] EFE, 27 September 2001.

[38] *Reuters*, 17 October 2002.

[39] www.fortaleza.gobierno.pr, 26 October 2001.

[40] EFE, 17 November 2001.

[41] Ibid., 11 and 12 December 2001.

[42] *Newsday*, 3 January 2002.

[43] FT.com, 11 January 2002 and EFE, 24 January 2002.

[44] EIU Viewswire, 25 January 2002.

[45] *The New York Times*, 2 April 2002.

[46] AP, 9 April 2002.

[47] AP, 11 April 2002.

[48] AP, 8 April 2002.

[49] See A/C.4/51/SR.4, para. 54.

[50] http://puertorico-herald.org/issues/vol4n52/MemoTaskForce.en.shtml.

[51] www.whitehouse.gov/news/releases/2001/04.

[52] www.puertorico-herald.org/issues/2002/vol9n09/WashUpdate.

Annex

Organizations contacted to provide updated information on self-determination and independence with respect to Puerto Rico

Alianza de Mujeres Viequenses

Asamblea Municipal (Vieques)

Asociación de Pescadores de Vieques

Asociación de Pescadores del Sur de Vieques

Ateneo Puertorriqueño

Caballistas por la Paz

Colegio de Abogados de Puerto Rico

Comite Pro Rescate y Desarrollo de Vieques

Comité Puerto Rico en las Naciones Unidas

Congreso Nacional Hostosiano

Fideicomiso de Conservación de Vieques

Frente Socialista

Gobierno Municipal de Vieques

Gran Oriente Nacional de Puerto Rico

Iglesia Metodista de Vieques

Instituto Caribeño de Acción y Formación Ecuménica

Instituto Puertorriqueño de Relaciones Internacionales

Jinetes por la Paz de Vieques

Juventúd Viequense Unida

Nuevo Movimiento Independentista Puertorriqueño

Párroco Católico de Vieques

Partido Independentista Puertorriqueño

Partido Nacionalista de Puerto Rico

Partido Popular Democrático

Proyecto Caribeño de Justicia y Paz

Unión Nacional Pro-Patria

Veteranos Viequenses por la Paz